

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Norfolk Division)**

**S.S., A MINOR, BY AND THROUGH HER GUARDIAN
NEXT FRIEND AND MOTHER EGLAZIA BROWN,**

PLAINTIFF,

v.

Case No.:

LARRY RICHARD LASSITER, JR.

JURY TRIAL DEMAND

-and-

BLOOMING FRUITEURS, LLC

DEFENDANTS.

COMPLAINT

The plaintiff, S.S. a minor, by and through her guardian, next friend and mother Eglazia Brown, by counsel, submits the following as her Complaint:

PARTIES

1. The plaintiff S.S. is a minor (DOB 2007) who is identified pursuant to Fed. R. Civ. P. 5.2(a)(3) by her initials. She is a resident of South Carolina.
2. Eglazia Brown is S.S.'s mother and pursuant to Fed. R. Civ. P. 17(c) is the proper representative to sue on behalf of S.S.
3. Larry Richard Lassiter, Jr. ("Lassiter") is the negligent defendant driver. He is a resident of Virginia.

4. Blooming Fruiteurs, LLC is a Virginia Limited Liability Company, which employed Lassiter at all time relevant to this lawsuit and is responsible in *respondeat superior* for his negligence.

JURISDICTION

5. Jurisdiction is appropriate in this Court pursuant to 28 U.S.C. 1332 § (a)(1) because all parties are diverse.

VENUE

6. The motor vehicle collision that is the subject of this case occurred in Virginia Beach, Virginia. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b)(2).

BASIC FACTS

7. This lawsuit is necessary because of Lassiter's negligence, which caused a collision on July 21, 2017 in the City of Virginia Beach.

8. The plaintiff, S.S., a minor child, was traveling as a passenger in a vehicle driven by her mother Eglazia Brown.

9. Brown was traveling South on Birdneck Road approaching the intersection of Carver Avenue.

10. Lassiter was stopped at Carver Avenue.

11. Lassiter attempted to make a left turn from Carver Avenue (across 2 lanes of traffic) to travel in a Northerly direction on Birdneck Road.

12. Brown had the right of way.

13. Lassiter entered the roadway and drove his vehicle in the path of Brown's vehicle, which caused a collision.

14. Among other negligent acts, Lassiter failed to keep a proper lookout and failed to yield the right of way to oncoming traffic as he attempted to cross the two Southbound lanes of travel on Birdneck Road.

15. At all relevant times Lassiter was employed by and acting in the scope of his employment for Blooming Fruiteurs, LLC, who is responsible for his actions via *respondeat superior*.

COUNT I: NEGLIGENCE

16. At all times relevant to this case, Lassiter had a duty to:

- a. keep a proper lookout;
- b. to keep his vehicle under proper control;
- c. to keep his vehicle in his proper lane of travel.
- d. to yield the right-of-way to any approaching vehicle;
- e. to keep his vehicle out of Brown's lane of travel.

17. Lassiter breached each of these duties and failed to:

- a. keep a proper lookout;
- b. to keep his vehicle under proper control;
- c. to keep his vehicle in his proper lane of travel.
- d. to yield the right-of-way to any approaching vehicle;
- e. to keep his vehicle out of Brown's lane of travel.

18. As a direct and proximate result of this negligence Lassiter caused the collision with Brown's vehicle

19. As a direct and proximate result of this negligence Blooming Fruiteurs, LLC is responsible for the negligence of Lassiter and all damages that flow therefrom.

DAMAGES

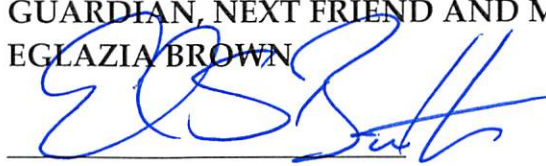
20. As a direct and proximate result of the aforesaid negligence and carelessness of the defendants, plaintiff suffered severe and permanent injuries, has suffered, and will continue to suffer, great pain of body and mind, has suffered inconvenience, has expended mileage to and from health care providers, has incurred and will continue to incur hospital, doctor and other related expenses in an effort to be cured of these injuries, as well as permanent injuries in the form of hearing loss, among other damages.

PRAYER FOR RELIEF

WHEREFORE, plaintiff, S.S., a minor, by and through her guardian, next friend and mother Eglazia Brown, by counsel, request judgment and execution against the Defendants Larry Richard Lassiter, Jr. and Blooming Fruiteurs, LLC, jointly and severally, for the following:

- A. compensatory damages in the sum of \$3,000,000.00 (THREE MILLION DOLLARS);
- B. past and future medical expenses according to proof;
- C. pre- and post-judgment interest on all damages;
- D. costs of suit incurred herein; and
- E. such other and further relief as the Court may deem just and proper.

**S.S., A MINOR, BY AND THROUGH HER
GUARDIAN, NEXT FRIEND AND MOTHER
EGLAZIA BROWN**



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